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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 CAL COBURN BROWN, *et al.*,

9 Plaintiffs,

10 v.

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12 ELDON VAIL, *et al.*,

13 Defendants.  
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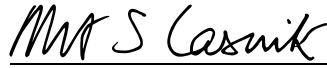
CASE NO. C09-5101RSL

ORDER DENYING MOTION TO  
LIFT STAY AND DENYING  
MOTION FOR A TEMPORARY  
RESTRAINING ORDER AS MOOT

16 This matter comes before the Court on plaintiff Cal Coburn Brown's Motion to Lift the  
17 Stay and for a Temporary Restraining Order ("TRO"). Now that the State Supreme Court has  
18 granted plaintiff's request for a stay of his execution, plaintiff's request for a stay and a TRO  
19 from this Court is DENIED (Dkt. #14) as moot. Moreover, the State Supreme Court's order  
20 remanded the case to Thurston County Superior Court. Now that it appears that the Thurston  
21 County Superior Court will consider the merits of plaintiff's claims, his request to lift the stay in  
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1 this case is DENIED so plaintiff may continue to seek relief in state court.

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3 DATED this 12th day of March, 2009.

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6 Robert S. Lasnik  
7 United States District Judge  
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